# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/881,604 | 06/14/2001 | Sean W. March | NORT0100US (14531RRUS01U) | 6409 |

| | | EXAMINER |
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| 7590      01/12/2006 | | CHANG, RICHARD |

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2663 | |

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/881,604 | MARCH ET AL. |
| | **Examiner** | **Art Unit** | |
| | Richard Chang | 2663 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>01 March 2004</u>.

2a)☐ This action is **FINAL.**      2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>19 and 25</u> is/are allowed.

6)☒ Claim(s) <u>1-6,16,17 and 21-24</u> is/are rejected.

7)☒ Claim(s) <u>7-13</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>06/14/2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment and arguments with respect to claims 1-13, 16-17, 19

and 21-25 have been fully considered but are moot in view of the new ground(s) of

rejection.

2. Claims 14-15, 18 and 20 have been canceled by the applicants.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by US

patent No. 5, 727,146 ("Savoldi et al.").

*Regarding claim 1,* Savoldi et al. teach a method of dynamically protecting

network access using packet source address, comprising of

receiving, in a system, a data unit (51 as packet) containing a source address

indicating a source of a data unit (packet),

matching the source address with information stored in the system (50), and

enabling entry of the data unit (packet) to the first network if the source address

matches the information stored in the system (52) and denying entry (with error) of the

data unit to the first network if the source address does not match the information stored

in the system (52) (See Fig. 7, Col. 1, line 61 – Col. 2, line 8).

## Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US patent No. 5, 727,146 ("Savoldi et al.") in view of US patent 6,928,082 B2 ("Liu et

al.").

*Regarding claim 2,* as discussed above, Savoldi et al. teach substantially all the

claimed invention but did not disclose expressly the particular application involving

limitations of using of a network address translation mapping table.

Liu et al. teach that matching the source address with the information comprises

matching the source address with one or more entries of a network address translation

mapping table (26, See Fig. 1, Col. 7, lines 34-39).

A person of ordinary skill in the art would have been motivated to employ Liu et

al. in Savoldi et al. in order to obtain a method of dynamically protecting network access

using packet source address and to take advantage of matching the source address

with one or more entries of a network address translation mapping table in claim 2.

The suggestion/motivation to do so would have been to match the source address with one or more entries of a network address translation mapping table, as suggested by Liu et al. in Col. 4, lines 25-66. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Liu et al. with the Savoldi et al. to obtain the inventions specified in claim 2.

*Regarding claim 3, as discussed above,* Savoldi et al. teach substantially all the claimed invention but did not disclose expressly that the source address comprises matching an Internet Protocol address.

Liu et al. further teach that matching the source address comprises matching an Internet Protocol (IP) address (See Col. 5, lines 64-67).

A person of ordinary skill in the art would have been motivated to employ Liu et al. in Savoldi et al. in order to obtain a method of dynamically protecting network access using packet source address and to take advantage of Internet Protocol address in claim 3.

The suggestion/motivation to do so would have been to match the source address of Internet Protocol address, as suggested by Liu et al. in See Col. 5, lines 64-67. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Liu et al. with the Savoldi et al. to obtain the inventions specified in claim 3.

*Regarding claim 4,* as discussed above, Savoldi et al. teach substantially all the claimed invention but did not disclose expressly the limitation that the data unit includes media associated with a call session.

Liu et al. further teach that the packet includes media associated with a call session (See Col. 6, lines 19-27).

A person of ordinary skill in the art would have been motivated to employ Liu et al. in Savoldi et al. in order to obtain a method of dynamically protecting network access using packet source address and to take advantage of the packet includes media associated with a call session in claim 4.

The suggestion/motivation to do so would have been to include media in the packet associated with a call session, as suggested by Liu et al. in Col. 6, lines 19-27. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Liu et al. with the Savoldi et al. to obtain the inventions specified in claim 4.

*Regarding claims 5-6,* as discussed above, Savoldi et al. teach substantially all the claimed invention but did not disclose expressly the limitation that the data unit contains a payload according to a predetermined protocol (real time protocol) for network access.

Liu et al. further teach that the data unit contains a payload according to a predetermined protocol (real time protocol) for network access (See Col. 6, lines 37-43).

A person of ordinary skill in the art would have been motivated to employ Liu et al. in Savoldi et al. in order to obtain a method of dynamically protecting network access

using packet source address and to take advantage of the data unit contains a payload according to a predetermined protocol (real time protocol) for network access in claims 5-6.

The suggestion/motivation to do so would have been to contain a payload in the data unit according to a predetermined protocol (real time protocol) for network access, as suggested by Liu et al. in Col. 6, lines 37-43. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Liu et al. with the Savoldi et al. to obtain the inventions specified in claims 5-6.


7. Claims 16-17, 21 and 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5, 727,146 ("Savoldi et al.") in view of US patent 6,744,767 ("Chiu et al.").

*Regarding Claims 16 and 21,* as discussed above, Savoldi et al. teach substantially all the claimed invention but did not disclose expressly the particular application involving limitations of

"a storage module to store a threshold value for a communications session, the threshold value representing an acceptable rate of incoming data units from the external network to the first network" and

"a controller adapted to deny further entry of data units from the external network to the first network in the communications session in response to the controller detecting that the rate of incoming data units exceeds the threshold value".

Chiu et al. teach a method and networks of voice gateways (22) for bandwidth

management during implementation of Quality of Service using Internet Protocol

provisioning including

a storage module (54 memory buffer) (See Fig. 2, Col 5, lines 53-55) to store a

threshold value (global and local thresholds) for a communications session, the

threshold value representing an acceptable rate of incoming data units from the external

network to the first network (maximum incoming packet rate), and

a controller (51) adapted to deny further entry of data units from the external

network to the first network in the communications session in response to the controller

detecting that the rate of incoming data units exceeds the threshold value (See Fig. 2,

Col. 5, lines 32-58).

A person of ordinary skill in the art would have been motivated to employ Chiu et

al. in Savoldi et al. in order to obtain a method of dynamically protecting network access

using packet source address and to take advantage of a memory buffer to store a global

and local thresholds for a communications session, representing an acceptable

maximum incoming packet rate and a controller to deny further entry of data units from

the external network to the first network in the communications session in response to

the controller detecting that the rate of incoming data units exceeds the acceptable

maximum incoming packet rate in claims 16 and 21.

The suggestion/motivation to do so would have been to store a global and local

thresholds to a memory buffer for a communications session, representing an

acceptable maximum incoming packet rate and a controller to deny further entry of data

units from the external network to the first network in the communications session in

response to the controller detecting that the rate of incoming data units exceeds the

acceptable maximum incoming packet rate, as suggested by Chiu et al. in Fig. 2, Col. 5,

lines 32-58. At the time the invention was made, therefore, it would have been obvious

to one of ordinary skill in the art to which the invention pertains to combine Chiu et al.

with the Savoldi et al. to obtain the inventions specified in claims 16 and 21.

_Regarding Claim 17,_ as discussed above, Savoldi et al. teach substantially all the

claimed invention but did not disclose expressly the particular application involving

· limitations of

"calculate the predetermined threshold based at least in part on a frame size

used in the call session".

Chiu et al. further teach that measuring the VOIP speech frame size for the

interface to assure the predetermined bandwidth requirement (calculate the

predetermined threshold based at least in part on a frame size used in the call session)

(See Col. 9, lines 48-55).

A person of ordinary skill in the art would have been motivated to employ Chiu et

al. in Savoldi et al. in order to obtain a method of dynamically protecting network access

using packet source address and to take advantage of measuring the VOIP speech

frame size for the interface to assure the predetermined bandwidth requirement in claim

17.

The suggestion/motivation to do so would have been to measure the VOIP

speech frame size for the interface to assure the predetermined bandwidth requirement,

as suggested by Chiu et al. in Col. 9, lines 48-55. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Chiu et al. with the Savoldi et al. to obtain the inventions specified in claim 17.

Regarding Claim 24, as discussed above, Savoldi et al. teach substantially all the claimed invention but did not disclose expressly the particular application involving limitations of

"check if the incoming data unit contains a Real-Time Protocol or Real-Time Control Protocol payload, and to deny further entry of the incoming data unit if the incoming data unit does not contain a Real-Time Protocol or Real-Time Control Protocol payload".

Chiu et al. further teach that checking for VoIP packet with User Datagram Protocol and Real Time Protocol (See Col. 9, lines 48-55).

A person of ordinary skill in the art would have been motivated to employ Chiu et al. in Savoldi et al. in order to obtain a method of dynamically protecting network access using packet source address and to take advantage of checking for VoIP packet with User Datagram Protocol and Real Time Protocol in claim 24.

The suggestion/motivation to do so would have been to check for VoIP packet with User Datagram Protocol and Real Time Protocol, as suggested by Chiu et al. in Col. 9, lines 48-55. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Chiu et al. with the Savoldi et al. to obtain the inventions specified in claim 24.

8. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US patent 5, 727,146 ("Savoldi et al.") in view of US patent 6,928,082 B2 ("Liu et al.")

and further in view of US patent 6,744,767 ("Chiu et al.").

*Regarding claim 22*, as discussed above, this claim have limitation that is similar

to those of claim 2 and 21 and Liu et al. further teach the matching the source address

with one or more entries of a network address translation mapping table server (26)

(See Col. 8, lines 2-13), thus those are rejected with the same rationale applied against

claims 2 and 21 above.

*Regarding claim 23*, as discussed above, this claim have limitation that is similar

to those of claims 3 and 21 and Liu et al. further teach that matching the source address

comprises matching an Internet Protocol (IP) address (See Col. 5, lines 64-67), thus

those are rejected with the same rationale applied against claims 3 and 21 above.


## Allowable Subject Matter

8. Claims 19 and 25 are allowed.

9. Claims 4-13 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims and if no art rejection can be applied.

### Examiner's Statement of Reasons for Allowance

10. The following is an examiner's statement of reasons for allowance:

The prior art along or in combination fails to teach or make obvious the following

limitations:

"the controller is adapted to deny entry of an incoming data unit if the incoming

data unit does not contain an indication of the codec type" as recited in the

*independent claims 19 and 25.*

## *Conclusion*

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Richard Chang whose telephone number is (571) 272-

3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

rkc

Richard Chang
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Art Unit 2663

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SUPERVISORY PATENT EXAMINER